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### REMARKS

Claims 1-57 and 65-78 are pending in this Application. By this Response, claims 1, 18, 21, 23, 24, 27- 29, 37, 40, 42, 43, 50, 52, 54, 56, 65, and 71 have been amended, and claims 19, 38, 51 have been canceled. As a result, claims 1-18, 20-37, 39-50, 52-57, and 65-78 are at issue in this Application.

#### 35 U.S.C. §112

In paragraph three of the Final Office Action, Examiner rejected claims 29 and 65-78 under Section 112, second paragraph as being indefinite. Applicants have amended claims 29, 61, and 75 to resolve the indefiniteness.

#### 35 U.S.C. §103

In paragraph five of the Final Office Action, Examiner rejected claims 1-64 under 35 U.S.C. §103 as being unpatentable over Home '973 in view of Home '866. Applicants have amended the claims and Applicants thereby seek notification of allowance.

Amended independent Claim 1 is directed to a barbecue grill assembly and recites structure of: an upper assembly, the upper assembly having a cooking chamber; a lower assembly formed from a plurality of lower frame members; at least one projection on one of either the lower assembly or the upper assembly, the projection having a first portion and a second portion; and, at least one receiver on the other of said lower assembly or said upper assembly, the receiver having an inner surface, the projection and the receiver cooperatively dimensioned such that when the projection is received by the receiver, *the first portion of the projection is configured to be deformed by a force for biased contact with the inner surface of the receiver.*

Neither Home '973 nor Home '866 discloses or suggests or suggest a projection configured to be deformed by a force for biased contact. On page 7 of the Office Action and with respect to Home '973, Examiner stated that he "...considers that the projection portion of leg (32) is biased into contact with the inner surface of receiver (31)." Home '973 is devoid of any disclosure or suggestion that the leaf spring 4 biases the lower leg 32. One of ordinary skill in the art recognizes that the lower leg 32 in Home '973 is configured for stability and is not biased in any manner. One of

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ordinary skill further recognizes that the lower leg 32 is a tubular support member of the cart assembly 1 and that any biasing of the leg 32 would negatively affect the structural integrity of the cart assembly 1. Accordingly, amended Claim 1 and the dependent claims therefrom (claim nos. 2-17) are allowable over the art of record.

Amended independent Claim 18 is directed to a barbecue grill assembly and recites structure of: an upper assembly formed from at least one upper frame member, the upper frame member having a terminal end with an outer peripheral wall surface, wherein the upper assembly is adapted to support a cooking chamber; a lower assembly formed from at least one lower frame member, the lower frame member having a terminal end with an outer peripheral wall surface; at least one projection on one of either the upper assembly or the lower assembly; at least one receiver on the other of the upper assembly or the lower assembly, the projection and the receiver cooperatively dimensioned such that when the projection is received by the receiver *the outer peripheral wall surface of the upper frame member is in planar alignment with the outer peripheral wall surface of the lower frame member*; and, *means for biasing a first portion of the projection into forced engagement with an inner surface of the receiver wherein the outer wall surfaces remain in planar alignment*.

First and as explained above for Claim 1, neither Home '973 nor Home '866 disclose or suggest means for biasing a first portion of the projection into *forced engagement* with an inner surface of the receiver wherein the outer wall surfaces remain in planar alignment. Second, neither Home '973 nor Home '866 disclose planar alignment of the outer peripheral wall surface of the upper and lower frame member. As shown in Fig. 3 of Home '973 and in Figs. 5 and 6 of Home '866, the terminal ends (and the outer peripheral wall surface) of the leg members are staggered, not in planar alignment. On page 4 of the Final Office Action, Examiner construed the portions of legs 31, 32 in Home '973 as terminal ends. This construction is contrary to both the plain meaning of the words "portion" and "terminal ends" and Applicants' disclosure. For each of these reasons, amended Claim 18 and the dependent claims therefrom (claim nos. 20-23) are allowable over the art of record.

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Amended independent Claim 24 is directed to a barbecue grill assembly and recites structure of: an upper assembly formed from at least one upper frame member, the upper frame member having a terminal end surface; a cooking chamber connected to the upper assembly; a lower assembly formed from at least one lower frame member, the lower frame member having a terminal end surface; at least one engagement assembly that secures the terminal ends of the upper frame member and lower frame member in an end-to-end configuration *wherein the terminal end surface of the upper frame member is in mating alignment with the terminal end surface of the lower frame member.*

Neither Home '973 nor Home '866 discloses or suggests an engagement assembly that secures the terminal ends of the upper frame member and lower frame member in an end-to-end configuration wherein the terminal end surface of the upper frame member is in *mating alignment* with the terminal end surface of the lower frame member. In Figs. 6 and 7 of the Application, Applicants disclose that the engagement assembly places the terminal end surfaces (27a, 90a) in a mating alignment which is not disclosed by the art of record. (see Specification, p.19, lns. 12-12-22 and p. 20, lns. 1-5). Therefore, amended Claim 24 and the dependent claims therefrom (claim nos. 25-28) are allowable over the art of record.

Amended independent Claim 29 is directed to a frame for an outdoor cooking device and recites structure of: an upper assembly formed from a plurality of upper frame members; a lower assembly formed from a plurality of lower frame members; at least one projection on one of either the lower assembly or the upper assembly, the projection having a first portion and a second portion; and, at least one receiver on the other of said lower assembly or said upper assembly, the receiver having an inner surface, the projection and the receiver cooperatively dimensioned such that when the projection is received by the receiver, *the first portion of the projection is capable of being deformed by a force that biases the first portion into contact with the inner surface of the receiver.*

As explained above with respect to amended Claim 1, neither Home '973 nor Home '866 discloses or suggests a projection with a first portion that is capable of being deformed by a force that biases the first portion into contact with the inner surface of the receiver. Consequently,

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amended Claim 29 and the dependent claims therefrom (claim nos. 30-36) are allowable over the art of record.

Amended independent Claim 37 is directed to a frame for an outdoor cooking device and recites structure of: an upper assembly formed from a plurality of upper frame members, each frame member having a terminal end with an outer wall surface; a lower assembly formed from a plurality of lower frame members, each frame member having a terminal end with an outer wall surface; at least one projection on one of either the upper assembly or the lower assembly; at least one receiver on the other of said upper assembly or said lower assembly, the projection and the receiver cooperatively dimensioned such that when the projection is received by the receiver the outer wall surface of the upper frame member is in planar alignment with the outer wall surface of the lower frame member; and, *means for biasing a first portion of the projection into forced engagement with an inner surface of the receiver wherein the outer wall surfaces remain in planar alignment.*

Consistent with that explained above for Claim 18, neither Home '973 nor Home '866 discloses or suggests means for biasing a first portion of the projection into forced engagement with an inner surface of the receiver wherein the outer wall surfaces remain in planar alignment. Thus, amended Claim 37 and the dependent claims therefrom (claim nos. 39-42) are allowable over the art of record.

Amended independent Claim 43 is directed to a frame assembly for an outdoor cooking device and recites structure of: a first frame assembly; a second frame assembly extending substantially lateral to the first frame assembly; at least one projection on one of either the first assembly or the second assembly, the projection having a first portion and a second portion; and, at least one receiver on the other of said first frame assembly or said second frame assembly, the receiver having an inner surface, the projection and the receiver cooperatively dimensioned such that when the projection is received by the receiver, *the first portion of the projection is capable of being deformed by a force to bias the first portion into contact with the inner surface of the receiver.*

For the same reasons explained above for Claim 1, neither Home '973 nor Home '866 discloses or suggests a projection with a first portion capable of being deformed by a force to bias

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the first portion into contact with the inner surface of the receiver. Thus, amended Claim 43 and the dependent claims therefrom (claim nos. 44-49) are allowable over the art of record.

Amended independent Claim 50 is directed to a frame assembly for an outdoor cooking device and recites structure of: a first frame assembly formed from a plurality of first frame members, each frame member having a terminal end with an outer wall surface; a second frame assembly extending substantially lateral to the first frame assembly, the second frame assembly formed from a plurality of frame members, each frame member having a terminal end with an outer wall surface; at least one projection on one of either the first assembly or the second assembly; at least one receiver on the other of said first frame assembly or said frame second assembly, the projection and the receiver cooperatively dimensioned such that when the projection is received by the receiver the outer wall surface of the first frame member is in planar alignment with the outer wall surface of the second frame member; and, *means for biasing a first portion of the projection into forced engagement with an inner surface of the receiver wherein the outer wall surfaces remain in planar alignment.*

As explained above with respect to Claim 18, neither Home '973 nor Home '866 discloses or suggests means for biasing a first portion of the projection into forced engagement with an inner surface of the receiver wherein the outer wall surfaces remain in planar alignment. Consequently, amended Claim 50 and the dependent claims therefrom (claim nos. 52-57) are allowable over the art of record.

Amended independent Claim 65 is directed to a barbecue grill assembly and recites structure of: an upper frame assembly having at least one upper frame member, the upper frame member defining a receiver; a cooking chamber supported by the upper frame assembly; a lower frame assembly having at least one lower frame member with a terminal end; *a projection affixed to an inner surface of the lower frame member and extending from the terminal end*, the projection dimensioned to be removably received by the receiver to join the upper and lower frame assemblies; and, wherein the projection is positioned within both the upper frame member and the lower frame member, and wherein a first portion of the projection is biased into contact with an inner surface of

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the receiver, and *wherein a second portion of the projection is affixed to an inner surface of the lower frame member.*

First, neither Home '973 nor Home '866 discloses or suggests a projection that is affixed to an inner surface of the lower frame member and that extends from the terminal end of the lower frame member. On page 3 of the Office Action, Examiner construed the upper portion of Home '973's leg 32 as the projection. On page 4 of the Office Action, Examiner construed the same upper portion of the leg 32 as the terminal end, where one of ordinary skill recognizes that the terminal end is the terminus of the leg 32. Regardless of which construction is applied, no structure extends from the terminal end of the upper leg 32 (see Fig. 3). Second, neither Home '973 nor Home '866 discloses or suggests a projection with a second portion that is affixed to the inner surface of the lower frame member. With respect to Home '973, the only structure within the lower leg 32 is the leaf spring 4. The "projection" construed by Examiner is integral to the lower leg 32 and is not affixed to the inner surface of the leg 32. For each of these reasons, amended Claim 65 and the dependent claims therefrom (claim nos. 66-70) are allowable over the art of record.

Amended independent Claim 71 is directed to a barbecue grill assembly and recites structure of: an upper frame assembly having at least one upper frame member, the upper frame member defining a receiver; a cooking chamber supported by the upper frame assembly; a lower frame assembly having at least one lower frame member; a projection removably received by the receiver to define a joined position of the upper and lower frame assemblies, *the projection having a fixed portion and a free portion wherein the fixed portion is affixed an inner surface of the lower frame member*; and, *means for biasing a free portion of the projection into contact with an inner surface of the receiver* to define a secured position of the upper and lower frame assemblies.

First, neither Home '973 nor Home '866 discloses or suggests a projection having a fixed portion and a free portion that is affixed to an inner surface of the lower frame member. The "projection" in Home '973 is merely the upper portion of the lower leg 32. As shown in Figs. 1 and 4, the leg is a tubular structure that lacks a free portion, as required by Claim 71. Second, neither Home '973 nor Home '866 discloses or suggests means for biasing a free portion of the projection. Since Home '973 lacks a projection with free portion, there can be no means for biasing the free

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portion. For each of these reasons, amended Claim 71 and the dependent claims therefrom (claim nos. 72-78) are allowable over the art of record.

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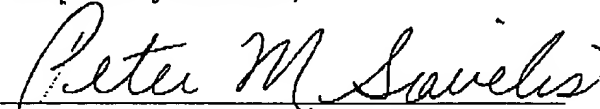
### CONCLUSION

In view of the foregoing, Applicants believe the Application is in a condition for allowance, and respectfully request early notice of the same. Applicants request that the Examiner call the undersigned attorney if the Examiner has any questions concerning this Response, or if it will expedite the progress of this Application.

Respectfully submitted,

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By:



Peter M. Siavelis, Reg. No. 51,136  
Wallenstein Wagner & Rockey, Ltd.  
311 South Wacker Drive, 53rd Floor  
Chicago, Illinois 60606-6630  
312.554.3300

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#### CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this document is being facsimile transmitted to the Patent and Trademark Office, to the attention of Examiner Josiah Cocks, Art Unit No. 3744 on November 10, 2003, to Fax No. 703/872-8303.



Peter M. Siavelis/187411.1